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കേരള സർക്കാർ
GOVERNMENT OF KERALA

കേരള ഗസറ്റ് KERALA GAZETTE

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്
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Part I(A)
Election

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GOVERNMENT OF KERALA
2024



Election (General) Department**NOTIFICATION**

No. EL1/64/2022/ELEC.

Thiruvananthapuram, 16th February 2024.

The following orders are hereby republished:

- (1) Order No. 76/KL-LA/124/2021/CEMS-II dated 24-1-2024 of the Election Commission of India.
- (2) Order No. 76/KL-LA/125/2021/CEMS-II dated 24-1-2024 of the Election Commission of India.

By order of the Governor,

SANJAY M. KAUL,

Secretary & Chief Electoral Officer.



ELECTION COMMISSION OF INDIA

(Nirvachan Sadan, Ashoka Road, New Delhi-110 001)

No. 76/KL-LA/124/2021/CEMS-II.

*Dated, 24th January, 2024.
4th Magha, 1945 (Saka).*

ORDER

WHEREAS, the General Election to Legislative Assembly of Kerala, 2021 for 124-Kollam Assembly Constituency was held in pursuance of the Election Commission of India Notification No. 464/KL-LA/2021, dated 12th March, 2021; and

WHEREAS, as per Section 78 of the Representation of the People Act, 1951, every contesting candidate at an election shall, within 30 days from the date of election of the returned candidate, lodge with the District Election Officer an account of his election expenses which shall be a true copy of the account kept by him or his election agent under Section 77 of the said act; and

WHEREAS, the result of the election for 124-Kollam Assembly Constituency of Kerala, 2021 was declared by the Returning Officer on 2nd May, 2021 and hence the last date for lodging the account of Election Expenses was 1st June, 2021; and

WHEREAS, the Commission having regard to the then prevailing pandemic situation of Covid-19, decided to condone any incidence of late submission of account by candidate till 31st July, 2021; and

WHEREAS, as per the report of DEO Kollam, under sub-rule (1) of Rule 89 of the Conduct of Elections Rules, 1961, received vide his letter No. EL1-306232/2021, dated 1-10-2022 stating that Remanan, a contesting candidate from 124-Kollam Assembly Constituency of General Election to Legislative Assembly of Kerala, 2021 has failed to lodge the account of his election expenses, as required under law; and

WHEREAS, on basis of the said report of the District Election Officer, Kollam a Show-Cause Notice No. 76/KL-LA/2021/CEMS-II, dated 20th January, 2023 was issued under sub rule (5) of Rule 89 of the Conduct of Elections Rules, 1961 by the Election Commission of India to Remanan, for not lodging the account of Election Expenses; and

WHEREAS, through the above said Show Cause Notice and under sub rule (6) of Rule 89 of the Conduct of Elections Rules, 1961, Remanan was directed to submit a representation in writing to the Commission explaining the reasons for not lodging the account and also to lodge the account of his election expenses with the District Election Officer, Kollam District within 20 days from the date of receipt of the notice; and



WHEREAS, the District Election Officer, Kollam District, in his report No. EL1-306232/2021; dated 17-2-2023 has reported that the said Show Cause Notice was served to Ramanan on 8-2-2023; and

WHEREAS, the District Election Officer, Kollam in his Supplementary Report dated 12-5-2023 received through CEO, Kerala vide letter No. EL1/2/2021-ELEC; dated 3-11-2023 on account of the candidate has reported that Ramanan has not submitted any representation or statement of account of election expenses. Further, after receipt of the said notice, Ramanan has neither furnished any reason nor explanation to the Election Commission of India, for failure to lodge the account of his election expenses as prescribed under law; and

WHEREAS, Section 10A of the Representation of the People Act, 1951 provides that:—

“If the Election Commission is satisfied that a person—

(a) has failed to lodge an account of election expenses, within the time and in the manner required by or under this Act, and

(b) has no good reason or justification for the failure,

the Election Commission shall, by order published in the Official Gazette, declare him to be disqualified and any such person shall be disqualified for a period of three years from the date of the order.”;

WHEREAS, on basis of facts and available records, the Commission is satisfied that Ramanan has failed to lodge the account of his election expenses and has no good reason or justification for the failure to do so; and

NOW, THEREFORE, in pursuance of Section 10A of the Representation of the People Act, 1951, the Election Commission of India hereby declares Ramanan, resident of- Ratheesh Bhavanam, Pavithram Nagar, Kallumthazham, Kollam and a contesting candidate in 124-Kollam Assembly Constituency of Kerala, 2021, to be disqualified for being chosen as and for being a member of either House of the Parliament or the Legislative Assembly or the Legislative Council of a State or Union Territory for a period of three years from the date of this order.

(Sd.)

(SUJEET KUMAR MISHRA),

Secretary.



ELECTION COMMISSION OF INDIA

(Nirvachan Sadan, Ashoka Road, New Delhi-110 001)

No. 76/KL-LA/125/2021/CEMS-II.

Dated 24th January, 2024.
4th Magha, 1945 (Saka).

ORDER

WHEREAS, the General Election to Legislative Assembly of Kerala, 2021 for 125-Eravipuram Assembly Constituency was held in pursuance of the Election Commission of India Notification No. 464/KL-LA/2021, dated 12th March, 2021; and

WHEREAS, as per Section 78 of the Representation of the People Act, 1951, every contesting candidate at an election shall, within 30 days from the date of election of the returned candidate, lodge with the District Election Officer an account of his election expenses which shall be a true copy of the account kept by him or his election agent under Section 77 of the said act; and

WHEREAS, the result of the election for 125-Eravipuram Assembly Constituency of Kerala, 2021 was declared by the Returning Officer on 2nd May, 2021 and hence the last date for lodging the account of Election Expenses was 1st June, 2021; and

WHEREAS, the Commission having regard to the then prevailing pandemic situation of Covid-19, decided to condone any incidence of late submission of account by candidate till 31st July, 2021; and

WHEREAS, as per the report dated 1-10-2022 of the DEO, Kollam, under sub-rule (1) of Rule 89 of the Conduct of Elections Rules, 1961, received vide his letter No. EL1-306232/2021, dated 1-10-2022 stating that N. Shihabudeen, a contesting candidate from 125-Eravipuram Assembly Constituency of General Election to Legislative Assembly of Kerala, 2021 has failed to lodge the account of his election expenses, as required under law; and

WHEREAS, on basis of the said report of the District Election Officer, Kollam a Show-Cause Notice No. 76/KL-LA/2021/CEMS-II, dated 20th January, 2023 was issued under sub rule (5) of Rule 89 of the Conduct of Elections Rules, 1961 by the Election Commission of India to N. Shihabudeen, for not lodging the account of election expenses; and

WHEREAS, through the above said Show Cause Notice and under sub rule (6) of Rule 89 of the Conduct of Elections Rules, 1961, N. Shihabudeen was directed to submit a representation in writing to the Commission explaining the reasons for not lodging the account and also to lodge account of his election expenses with the District Election Officer, Kollam District within 20 days from the date of receipt of the notice; and

WHEREAS, the District Election Officer, Kollam District in his report No. EL1-306232/2021; dated 18-4-2023 has reported that the said Notice was served to N. Shihabudeen on 15-2-2023; and

WHEREAS, the District Election Officer, Kollam in his Supplementary Report dated 12-5-2023 received through CEO, Kerala vide letter No. EL1/2/2021-ELEC; dated 3-11-2023 on account of the candidate has reported that N. Shihabudeen has not submitted any representation or statement



of correct account of election expenses. Besides, after receipt of the said notice, N. Shihabudeen has neither furnished any reason nor explanation to the Election Commission of India, for failure to lodge the account of his election expenses as prescribed under law; and

WHEREAS, Section 10A of the Representation of the People Act, 1951 provides that:—

“If the Election Commission is satisfied that a person—

(a) has failed to lodge an account of election expenses within the time and in the manner required by or under this Act, and

(b) has no good reason or justification for the failure,

the Election Commission shall, by order published in the Official Gazette, declare him to be disqualified and any such person shall be disqualified for a period of three years from the date of the order.”;

WHEREAS, on basis of facts and available records, the Commission is satisfied that N. Shihabudeen has failed to lodge the account of his election expenses and has no good reason or justification for the failure to do so; and

NOW, THEREFORE, in pursuance of Section 10A of the Representation of the People Act, 1951, the Election Commission of India hereby declares N. Shihabudeen, resident of- Shafeena Manzil, Chakala Mukku, Kayamkulam P. O., Alappuzha and a contesting candidate in 125-Eravipuram Assembly Constituency of Kerala, 2021, to be disqualified for being chosen as and for being a member of either House of the Parliament or the Legislative Assembly or the Legislative Council of a State or Union Territory for a period of three years from the date of this order.

(Sd.)

(SUJEET KUMAR MISHRA),

Secretary.

